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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,392	03/28/2001	Jeffrey R. Hirsch	0112300-642	3729

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EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

DATE MAILED: 02/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,392

Applicant(s)

HIRSCH ET AL.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Naughton*** et al (5,519,825) in view of ***Sitrick*** (6,425,825) or ***Miler*** 6,121,978, further in view of ***Moritome*** et al (6,589,117).

Regarding claims 1-74, Naughton teaches gaming device that includes at least one display device; at least one memory device; a processor adapted to retrieve from the memory device data which represents a plurality of graphical images and to generate the graphical images on the display device; and a display frame defined by the display device, said display frame having predetermined dimensions (abstract; Fig. 4A; Fig. 5A; Fig. 5B; col. 1, lines 45-53; col. 2, lines 53-56; col. 5, lines 16-48- also see initial office action, paper #4, which is incorporated herein by reference). Naughton is silent regarding the feature of one of the graphical images specified by the data having at least one dimension, which is larger than one dimension of the display frame. In an analogous gaming device, Sitrick teaches this feature of image scaling for images that have a larger dimension than the display frame (col. 42, lines 1-10). Further, in an analogous image display device, Miler teaches this feature as well (col. 1, lines 1-33). It would have been obvious to a person of ordinary skill in the art at the time of the

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invention to include the scaling feature, as taught by Sitrick or Miler in Naughton to further enhance the visual effects of the Naughton gaming device; thereby making gaming at various different sized display devices the same. This would improve the quality of the gaming system. Further, Sitrick teaches arcade type gaming devices, however, neither the Naughton or Sitrick gaming devices explicitly teach receiving a wager for game play. The examiner takes notice that it is well known in the art to provide a wager {monetary input} in order to begin game play. The analogous gaming device of Moritome teaches a arcade type game in which game play proceeds upon the input of a wager (Fig. 1; Fig. 10, S2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the wager feature, taught by Moritome, into Naughton and Sitrick to increase the profits of the gaming establishment; which would thereby allow the gaming establishment to continue to supply games to other patrons.

Examiner's Response to Applicant's Remarks

Applicant's arguments regarding the combination of Naughton and Matsuno are moot in light of the new grounds of rejection stated above. The previous office action, paper #4, is incorporated herein to supply the teachings of the instant claims disclosed by Naughton. The examiner has cited Sitrick and Miler to better teach the "scaling" features of the image display. Further Moritome has been cited to teach the newly claimed wagering feature.

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USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Carmen White
Patent Examiner, 3714